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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PIRAYEH M. NAJMABADI, an
individual,

Plaintiff,

vs.

THELIOS USA INC., a Foreign
Corporation; LVMH MOET HENNESSY
LOUIS VUITTON INC., a Foreign
Corporation; SPARKS MARKETING,
LLC, a Foreign Limited-Liability
Company; DOES I through X; and ROE
CORPORATIONS XI through XX,
inclusive,

Defendants.

Case No. 2:24-cv-00217-GMN-DJA

**AMENDED STIPULATION AND
ORDER TO EXTEND
DISCOVERY DEADLINES
(SECOND REQUEST)**

IT IS HEREBY STIPULATED AND AGREED TO by and between Plaintiff

PIRAYEH M. NAJMABADI ("Plaintiff"), by and through her attorney of record,
Brian E. Lunt, Esq. of the law firm Edward M. Bernstein & Associates, and Defendants
THELIOS USA INC., and LVMH MOET HENNESSY LOUIS VUITTON INC.
("LVMH"), by and through their attorney of record, Robert Schumacher. of the law
firm Gordon Rees LLP, Defendant SPARKS MARKETING, LLC ("SPARKS"), by

1 and through its attorneys of record, Melissa Ingleby, Esq., and Ashley L. Zurkan, Esq.,
 2 of the law firm Bremer Whyte Brown & O'Meara LLP, Defendant SRS
 3 FABRICATION INC. ("SRS"), by and through its attorney Kevin S. Smith, Esq., of
 4 the law firm Hall Jaffe, and Defendant CSI WORLDWIDE ("CSI"), by and through
 5 its attorney Megan K. Dorsey of the law firm Koeller Nebeker Carlson Haluck LLP,
 6 and for good cause that the discovery deadlines in the above-entitled matter be
 7 extended by ninety-seven (97) days to allow for necessary discovery.

I.

DISCOVERY COMPLETED TO DATE

8 Listed below is a statement specifying the discovery completed in this case:

9
 10 1. Plaintiff's Initial List of Witnesses and Production of Documents made pursuant
 11 to FRCP 26(a)(1).

12
 13 2. Defendants' LVMH Initial List of Witnesses and Production of Documents made
 14 pursuant to FRCP 26(a)(1).

15
 16 3. Defendant SPARKS Initial List of Witnesses and Production of Documents
 17 made pursuant to FRCP 26(a)(1).

18
 19 4. Defendant SRS Initial List of Witnesses and Production of Documents made
 20 pursuant to FRCP 26(a)(1).

21
 22 4. Defendant SPARKS First Set of Interrogatories, Requests for Admission, and
 23 Requests for Production to Plaintiff made pursuant to FRCP 33, 34, and 36.

24
 25 5. Defendant SPARKS First Set of Interrogatories, Requests for Admission, and
 26 Requests for Production to CSI Worldwide made pursuant to FRCP 33, 34, and 36.
 27 CSI Worldwide has not yet responded.

28 6. Defendant SPARKS First Set of Interrogatories, Requests for Admission, and

1 Requests for Production to SRS Fabrication, Inc., made pursuant to FRCP 33, 34, and
 2 36. SRS Fabrication, Inc. responded on September 26, 2024.

3 7. Defendant SPARKS MARKETING Subpoena Duces Tecum to Emerging
 4 Vision, Inc., made pursuant to FRCP 45(d). Emerging Vision has not yet responded.
 5

6 8. Defendant SPARKS Subpoena Duces Tecum to Hartford Insurance, made
 7 pursuant to FRCP 45(d). Hartford Insurance has not yet responded.
 8

9 **II.**
 10 **DISCOVERY REMAINING TO BE COMPLETED**

11 The Parties plan to complete the following discovery:

- 12 1. Written discovery of all parties regarding new claims made in Plaintiff's
 13 Amended Complaint and in Cross-claims by SRS FABRICATION, INC. and
 14 CSI WORLDWIDE;
 15
- 16 2. Subpoena new medical records for recent treatment of Plaintiff;
 17
- 18 3. Depositions of various witnesses including, but not limited to:
 19 a. The parties;
 20 b. The parties' retained initial and rebuttal experts; and
 21 c. Other percipient witnesses as needed;
 22
- 23 4. Initial Expert Disclosures;
- 24 5. Rebuttal Expert Disclosures; and
- 25 6. Other discovery as needed.
 26

27 ///

28 ///

III.
REASONS DISCOVERY HAS NOT BEEN COMPLETED

Good cause exists to grant the Parties' request for an extension to discovery deadlines. This is the second request for an extension. Despite the parties' diligence and good faith attempts to pursue discovery in preparation for their respective case, majority of discovery remains to be completed.

Under LR 26-3, if a stipulation is submitted after the expiration of the applicable discovery deadlines being extended, the parties must demonstrate good cause and excusable neglect. Here, the stipulation is not being submitted before the expiration of the initial expert deadline due to various issues that have caused the parties to experience delay in the deadline for expert disclosures.

The parties recently agreed to stipulate to allow Plaintiff to amend her Complaint to add a claim for strict product liability and name SRS Fabrication, Inc. and CSI Worldwide as Defendants. A Stipulation and Order in that regard was granted on August 30, 2024. The parties are now answering cross-claims and addressing new claims and specific factual allegations raised in the Amended Complaint and Answers and Cross-Claims thereto. Among these allegations are factual assertions regarding transportation issues and repair that first appeared in SRS and CSI's Cross-Claims. Such claims require additional expert testimony and have made the current expert deadlines impossible due to expert schedules and the need for additional discovery. As such, the deadlines cannot be reasonably met despite the diligence of the Parties who seek the extension. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

The parties have also been conferring and cooperating on the need for additional time to complete expert testimony before the Initial Expert deadline. On September 20, 2024, the parties met and conferred pursuant to Rule 26(f) to address the new claims and recent amendments. [See Notice, attached as Exhibit A]. At this conference, the parties agreed to the deadlines in this Stipulation and Order. In reliance on this

1 agreement, the parties continued discovery and engaged experts to address the
 2 Plaintiff's Amended Complaint, which now included a claim for strict liability. The
 3 undersigned mistakenly believed that a new Scheduling Order would circulate and
 4 address the deadlines, making this Stipulation moot. Upon realizing her error, the
 5 undersigned again conferred on these deadlines, confirmed that all parties had been
 6 relying on them, and submitted the Stipulation to the court on October 11, 2024. [ECF
 7 52].

8 It is believed the Court's granting of this Stipulation would further the interests
 9 of justice and advance the merits of this case. Accordingly, this request for an
 10 extension of time is not sought for any improper purpose or other purpose of delay.
 11 Rather, it is sought by the parties solely for the purpose of allowing sufficient time to
 12 conduct discovery, including expert analysis and evaluation as noted above.
 13 Accordingly, the Parties are requesting a 97-day extension to all remaining discovery
 14 deadlines to allow all parties to fully participate in discovery, allow experts to address
 15 strict liability claims, and to avoid holiday interruptions.

16
 17 **IV.**
 18 **PROPOSED SCHEDULE FOR COMPLETING DISCOVERY**

19 The Parties hereto, and for good cause described in this stipulation, and in
 20 accord with Local Rule 6-1 and Local Rule 26-3, request this Honorable Court to adopt
 21 and approve this stipulated extension to the discovery plan, and continue the discovery
 22 deadlines as requested below:

24	DISCOVERY EVENT	CURRENT DEADLINES	PROPOSED DEADLINES
25	Initial Expert Disclosures	September 27, 2024	January 2, 2025
26	Rebuttal Expert Disclosures	October 28, 2024	February 3, 2025
27	Close of Discovery	November 28, 2024	March 5, 2025
28	Dispositive Motions	December 26, 2024	April 2, 2025
	Joint Pre-Trial Order	January 27, 2025	May 5, 2025

1 The parties hereby stipulate the proposed changes in the discovery deadlines.

2 Dated: October 16, 2024

Dated: October 16, 2024

3 BREMER WHYTE BROWN &
4 O'MEARA LLP

KOELLER NEBEKER CARLSON &
HALUCK, LLP

5 /s/ Ashley L. Zurkan
6 Melissa Ingleby, Esq.
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/s/ Megan K. Dorsey
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Attorney for Defendant,
CSI WORLDWIDE

12 Dated: October 11, 2024

Dated: October 16, 2024

13 GORDON REES SCULLY
14 MANSUKHANI LLP

HALL JAFFE, LLP

15 /s/ Dionne Wren
16 Robert Schumacher, Esq.
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18 Dionne C. Wren, Esq.
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/s/ Kevin S. Smith
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Attorney for Third-Party Defendant,
SRS FABRICATION, INC.

22 Dated: October 16, 2024

23 EDWARD M. BERNSTEIN &
24 ASSOCIATES

25 /s/ Brian E. Lunt
26 Brian E. Lunt, Esq.
27 Nevada State Bar No. 11189
28 500 South Fourth Street
Las Vegas, Nevada 89101
Attorney for Plaintiff

ORDER

Based upon the stipulation of the parties hereto, and for good cause appearing:
IT IS HEREBY ORDERED that the discovery deadlines are extended as follows:

Event:	Deadline:
Expert Designations:	January 2, 2025
Rebuttal Expert Designations:	February 3, 2025
Discovery Cutoff Date:	March 5, 2025
Dispositive Motions:	April 2, 2025
Joint Pre-Trial Order:	May 5, 2025



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE
DATED: 10/18/2024

Respectfully submitted,

BREMER WHYTE BROWN & O'MEARA LLP

By: /s/ Ashley L. Zurkan
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